

ASSEMBLY BILL

No. 314

Introduced by Assembly Member Brownley

February 17, 2009

An act to amend Sections 60200, 60204, 60421, and 60422 of the Education Code, relating to instructional materials. .

LEGISLATIVE COUNSEL'S DIGEST

AB 314, as introduced, Brownley. Instructional materials.

(1) Existing law requires the State Board of Education to adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive.

This bill would require the state board to hold a publicly noticed informational meeting prior to the meeting at which it is scheduled to adopt instructional materials.

(2) Existing law provides that upon making an adoption of basic instructional materials, the state board is required to make available to listed publishers and manufacturers and all school interests, a list of those instructional materials by subject and grade level. Items placed upon lists are required to be accessible, as specified, from the date of the adoption of the item until a date established by the state board.

This bill would require the list of materials to be made available to school districts and to be posted on the State Department of Education's Internet Web site by subject and grade level. It would require the list to also include the assessments or reports of findings and recommendations developed by expert reviewers and evaluators of instructional materials involved in the review process that includes alignment of standards, program organization, pupil assessments, teacher support, and support for English language learners. Items placed upon

lists would be required to be accessible, as specified, for at least 3 years following the next adoption of new materials based upon a new or revised curriculum framework, whichever is later.

(3) Existing law requires the Curriculum Development and Supplemental Materials Commission to perform several duties including studying and evaluating instructional materials, adopting educational films or videotapes, and recommending to the state board instructional materials which it approves for adoption.

This bill would delete these duties.

(4) Existing law establishes the Instructional Materials Funding Realignment Program administered by the Superintendent of Public Instruction under which school districts are apportioned funds to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials, as adopted by the state board or the local governing board. Existing law requires that pupils be provided with standards-aligned textbooks or basic instructional materials by the beginning of the first school term that commences no later than 24 months after those materials were adopted by the state board. However, the state board is authorized to grant school districts additional time to meet this requirement if specified criteria are met.

This bill would authorize a school district receiving specified funding to submit recommendations of individuals to serve in the review and evaluation of instructional materials submitted for kindergarten and grades 1 to 8, inclusive, who meet specified qualifications. This bill would require the Superintendent, through a random lottery, to select and appoint instructional materials reviewers and content review experts from the recommendations made by school districts. The Superintendent would be required to ensure that a majority of selected instructional materials reviewers and content review experts are credentialed classroom instructors. Local governing boards would be required to use the funding provided to ensure that each pupil is provided with standards-aligned textbooks or basic instructional materials by the beginning of the first school term that commences no later than 36 months after those materials were adopted by the state board.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

SECTION 1. Section 60200 of the Education Code is amended to read:

60200. The state board shall adopt basic instructional materials for use in kindergarten and grades 1 to 8, inclusive, for governing boards, subject to the following provisions:

(a) The state board shall adopt at least five basic instructional materials for all applicable grade levels in each of the following categories:

(1) Language arts, including, but not limited to, spelling and reading. However, the state board ~~may~~ *shall* not adopt basic instructional materials in this category or the category specified by paragraph (2) in the year succeeding the year in which the state board adopts basic instructional materials in this category for the same grade level.

(2) Mathematics. However, the state board ~~may~~ *shall* not adopt basic instructional materials in this category or the category specified by paragraph (1) in the year succeeding the year in which the state board adopts basic instructional materials in this category for the same grade level.

(3) Science.

(4) Social science.

(5) Bilingual or bicultural subjects.

(6) Any other subject, discipline, or interdisciplinary areas for which the state board determines the adoption of instructional materials to be necessary or desirable.

~~(b)~~

(b) The state board shall hold a publicly noticed informational meeting prior to the meeting at which the state board is scheduled to adopt instructional materials recommended by the instructional materials reviewers and content review experts selected pursuant to subdivision (h) of Section 60421.

(c) The state board shall adopt procedures for the submission of basic instructional materials in order to comply with each of the following:

(1) Instructional materials may be submitted for adoption in any of the subject areas pursuant to paragraphs (1) to (5), inclusive, of subdivision (a) not less than two times every six years and in any of the subject areas pursuant to paragraph (6) of subdivision (a)

1 not less than two times every eight years. The state board shall
2 ensure that curriculum frameworks are reviewed and adopted in
3 each subject area consistent with the ~~six-~~ *six-year* and eight-year
4 submission cycles and that the criteria for evaluating instructional
5 materials developed pursuant to subdivision (b) of Section 60204
6 are consistent with subdivision ~~(e)~~ *(d)*. The state board may
7 prescribe reasonable conditions to restrict the resubmission of
8 materials that *previously* have been ~~previously~~ rejected if those
9 resubmitted materials have no substantive changes.

10 (2) Submitted instructional materials shall be adopted or rejected
11 within six months of the submission date of the materials pursuant
12 to paragraph (1), unless the state board determines that a longer
13 period of time, not to exceed an additional three months, is
14 necessary due to the estimated volume or complexity of the
15 materials for that subject in that year, or due to other circumstances
16 beyond the reasonable control of the state board.

17 ~~(e)~~

18 *(d)* In reviewing and adopting or recommending for adoption
19 submitted basic instructional materials, the state board shall use
20 the following criteria, and ensure that, in its judgment, the
21 submitted basic instructional materials meet all of the following
22 criteria:

23 (1) Are consistent with the criteria and the standards of quality
24 prescribed in the ~~state board's adopted~~ curriculum framework
25 *adopted by the state board*. In making this determination, the state
26 board shall consider both the framework and the submitted
27 instructional materials as a whole.

28 (2) Comply with the requirements of Sections 60040, 60041,
29 60042, 60043, 60044, 60048, 60200.5, and 60200.6, and the ~~state~~
30 ~~board's~~ *guidelines of the state board* for social content.

31 (3) Are factually accurate and incorporate principles of
32 instruction reflective of current and confirmed research.

33 (4) Adequately cover the subject area for the grade level or
34 levels for which they are submitted.

35 (5) Do not contain materials, including illustrations, that provide
36 unnecessary exposure to a commercial brand name, product, or
37 corporate or company logo. Materials, including illustrations, that
38 contain a commercial brand name, product, or corporate or
39 company logo ~~may~~ *shall* not be used unless the board determines
40 that the use of the commercial brand name, product, or corporate

1 or company logo is appropriate based on one of the following
2 specific findings:

3 (A) If text, the use of the commercial brand name, product, or
4 corporate or company logo in the instructional materials is
5 necessary for an educational purpose, as defined in the guidelines
6 or frameworks adopted by the state board.

7 (B) If an illustration, the appearance of a commercial brand
8 name, product, or corporate or company logo in an illustration in
9 instructional materials is incidental to the general nature of the
10 illustration.

11 (6) Meet other criteria as are established by the state board as
12 being necessary to accomplish the intent of Section 7.5 of Article
13 IX of the California Constitution and of Section 1 of Chapter 1181
14 of the Statutes of 1989, provided that the criteria are approved by
15 resolution at the time the resolution adopting the framework for
16 the current adoption is approved, or at least 30 months prior to the
17 date that the materials are to be approved for adoption.

18 ~~(d)~~

19 (e) If basic instructional materials are rejected, the state board
20 shall provide a specific, written explanation of the reasons why
21 the submitted materials were not adopted, based upon one or more
22 of the criteria established ~~under~~ *pursuant to* subdivision ~~(e)~~ (d). In
23 providing this explanation, the state board may use, in whole or
24 in part, materials written by ~~the commission or any other advisers~~
25 ~~to the state board~~ *instructional material reviewers or content*
26 *experts.*

27 ~~(e)~~

28 (f) The state board may adopt fewer than five basic instructional
29 materials in each subject area for each grade level if either of the
30 following occurs:

31 (1) Fewer than five basic instructional materials are submitted.

32 (2) The state board specifically finds that fewer than five basic
33 instructional materials meet the criteria prescribed by paragraphs
34 (1) to (5), inclusive, of subdivision ~~(e)~~ (d), or the materials fail to
35 meet the state board's adopted curriculum framework. If the state
36 board adopts fewer than five basic instructional materials in ~~any~~
37 *a* subject for any grade level, the state board shall conduct a review
38 of the degree to which the criteria and procedures used to evaluate
39 the submitted materials for that adoption were consistent with the

1 ~~state board's adopted~~ curriculum framework *adopted by the state*
2 *board.*

3 ~~(f)~~

4 (g) This section does not limit the authority of the state board
5 to adopt materials that are not basic instructional materials.

6 ~~(g)~~

7 (h) If a district board establishes to the satisfaction of the state
8 board that the state-adopted instructional materials do not promote
9 the maximum efficiency of pupil learning in the district, the state
10 board shall authorize that district governing board to use its
11 instructional materials allowances to purchase materials as
12 specified by the state board, in accordance with standards and
13 procedures established by the state board.

14 ~~(h)~~

15 (i) Consistent with the quality criteria for the state board's
16 adopted curriculum framework, the state board shall prescribe
17 procedures to provide the most open and flexible materials
18 submission system and ensure that the adopted materials in each
19 subject, taken as a whole, provide for the educational needs of the
20 diverse pupil populations in the public schools, provide collections
21 of instructional materials that illustrate diverse points of view,
22 represent cultural pluralism, and provide a broad spectrum of
23 knowledge, information, and technology-based materials to meet
24 the goals of the program and the needs of pupils.

25 ~~(i)~~

26 (j) Upon making an adoption, the state board shall make
27 available to listed publishers and manufacturers and all school
28 interests a listing of instructional materials, including the most
29 current unit cost of those materials as computed pursuant to existing
30 law. Items placed upon lists shall remain ~~thereon~~ *on the lists*, and
31 be available for procurement through the state's systems of
32 financing, from the date of the adoption of the item ~~and until a~~
33 ~~date established by the state board. The date established by the~~
34 ~~board for continuing items on that list shall be the date on which~~
35 ~~the state board adopts or three years following the next adoption~~
36 ~~of new~~ instructional materials based upon a new or revised
37 curriculum framework, *whichever is later*. Lists of adopted
38 materials shall be made available *to school districts and posted on*
39 *the department's Internet Web site* by subject and grade level. ~~The~~
40 ~~lists shall terminate and shall no longer be effective on the date~~

1 ~~prescribed by the state board pursuant to this subdivision, and~~
2 *shall include information from the assessments or reports of*
3 *findings and recommendations developed by the expert reviewers*
4 *and evaluators of instructional materials involved in the materials*
5 *review process that includes information regarding alignment of*
6 *standards, program organization, pupil assessments, teacher*
7 *support, and support for English language learners.*

8 ~~(j)~~

9 (k) The state board may approve multiple lists of instructional
10 materials, without designating a grade or subject, and the state
11 board may designate more than one grade or subject whenever it
12 determines that a single subject designation or a single grade
13 designation would not promote the maximum efficiency of pupil
14 learning. ~~Any~~ The materials so designated may be placed on single
15 grade or single subject lists, or multigrade or interdisciplinary lists,
16 or may be placed on separate lists including other materials with
17 similar grade or subject designations.

18 ~~(k)~~

19 (l) A composite listing in the format of an order form may be
20 used to meet the requirements of this section.

21 ~~(l)~~

22 (m) The lists maintained pursuant to this section shall not be
23 deemed to control the use period by ~~any~~ a school district.

24 ~~(m)~~

25 (n) The state board shall give publishers the opportunity to
26 modify instructional materials, in a manner provided for in
27 regulations adopted by the state board, if the state board finds that
28 the instructional materials do not comply with paragraph (5) of
29 subdivision ~~(e)~~ (d).

30 ~~(n)~~

31 (o) This section does not prohibit the publisher of instructional
32 materials from including whatever corporate name or logo on the
33 instructional materials that is necessary to provide basic
34 information about the publisher, to protect its copyright, or to
35 identify third-party sources of content.

36 ~~(o)~~

37 (p) The state board may adopt regulations that provide for other
38 exceptions to this section, as determined by the *state* board.

39 ~~(p)~~

1 (q) The Superintendent shall develop, and the state board shall
2 adopt, ~~guidelines~~ *regulations* to implement this section.

3 SEC. 2. Section 60204 of the Education Code is amended to
4 read:

5 60204. The commission shall:

6 (a) Recommend curriculum frameworks to the state board.

7 (b) Develop criteria for evaluating instructional materials
8 submitted for adoption so that the materials adopted shall
9 adequately cover the subjects in the indicated grade or grades and
10 which comply with the provisions of Article 3 (commencing with
11 Section 60040) of Chapter 1. The criteria developed by the
12 commission shall be consistent with the duties of the state board
13 pursuant to Section 60200. The criteria shall be public information
14 and shall be provided in written or printed form to ~~any~~ *a* person
15 requesting ~~such~~ *that* information.

16 ~~(c) Study and evaluate instructional materials submitted for~~
17 ~~adoption.~~

18 ~~(d) Recommend to the state board instructional materials which~~
19 ~~it approves for adoption.~~

20 ~~(e) Review and have the authority to adopt the educational films~~
21 ~~or videotapes produced in accordance with Article 3 (commencing~~
22 ~~with Section 52740) of Chapter 11 of Part 28.~~

23 ~~(f)~~

24 (c) Recommend to the state board policies and activities to assist
25 the department and school districts in the use of the curriculum
26 framework and other available model curriculum materials for the
27 purpose of guiding and strengthening the quality of instruction in
28 the public schools.

29 SEC. 3. Section 60421 of the Education Code is amended to
30 read:

31 60421. (a) The department shall apportion funds appropriated
32 for purposes of this chapter to school districts on the basis of an
33 equal amount per pupil enrolled in kindergarten and grades 1 to
34 12, inclusive, in the prior year, excluding summer school, adult,
35 and regional occupational center and regional occupational
36 programs enrollment. Enrollment shall be certified by the
37 Superintendent of Public Instruction and based on data as reported
38 by the California Basic Education Data System count. A school
39 district in its first year of operation or of expanding grade levels
40 at a schoolsite shall be eligible to receive funding pursuant to this

chapter based on enrollment estimates provided to the department by the school district. As a condition of receipt of funding, a school district or charter school in its first year of operation or of expanding grade levels at a schoolsite shall provide enrollment estimates, as approved by the school district governing board and the county office of education in which the school district is located. These estimates and associated funding shall be adjusted for actual enrollment as reported by the subsequent California Basic Education Data System.

(b) For the purposes of this chapter, the term “school district” means a school district or county office of education, and the term “local governing board” means the governing board of a school district or county board of education.

(c) Allowances established pursuant to this chapter shall be apportioned to school districts in September of each fiscal year.

(d) Notwithstanding any other ~~provision of law~~, pursuant to subdivision ~~(g)~~ (h) of Section 60200, the ~~State Board of Education~~ *state board* may authorize a school district to use ~~any~~ a state basic instructional materials allowance to purchase standards-aligned materials as specified within this part.

(e) *A school district receiving funding pursuant to this chapter may submit recommendations of individuals being considered to serve in the review and evaluation of instructional materials submitted for kindergarten and grades 1 to 8, inclusive, pursuant to subdivision (f) and who meet the qualifications specified in subdivision (g).*

(f) *School districts, in collaboration with teacher organizations, may recommend at least one individual and up to two individuals if enrollment in the district is 10,000 pupils or more, but less than 75,000 pupils; up to three individuals if enrollment in the district is 75,000 or more pupils, but less than 500,000 pupils; and up to four individuals if the enrollment in the district is 500,000 pupils or more, as indicated by the most recent counts in the California Basic Education Data System.*

(g) *A school district choosing to submit recommendations of individuals pursuant to subdivision (e) shall ensure that the individuals meet the following criteria:*

(1) *At least one individual shall be a classroom teacher in kindergarten or any of grades 1 to 12, inclusive, and shall have a teaching credential.*

(2) *All individuals shall have experience with and expertise in the content field under consideration.*

(h) *The Superintendent, through a random lottery, shall select and appoint instructional materials reviewers and content review experts from the recommendations made by school districts and shall ensure that the reviewers selected to participate reflect the various ethnic groups, types of school district, and regions in California, and have experience in providing instruction to English language learners and pupils with disabilities. If there is underrepresentation of any of the categories listed in this subdivision, the Superintendent shall select additional individuals from the remaining candidates to ensure adequate representation. The Superintendent also shall ensure that a majority of the selected instructional materials reviewers and content review experts are credentialed classroom instructors.*

SEC. 4. Section 60422 of the Education Code is amended to read:

60422. (a) A local governing board shall use funding received pursuant to this chapter to ensure that each pupil is provided with a standards-aligned textbook or basic instructional materials, as adopted by the ~~State Board of Education~~ *state board* subsequent to the adoption of content standards pursuant to Section 60605 for kindergarten and grades 1 to 8, inclusive, or as adopted by the local governing board pursuant to Sections 60400 and 60411, for grades 9 to 12, inclusive. Pupils shall be provided with standards-aligned textbooks or basic instructional materials by the beginning of the first school term that commences no later than ~~24~~ 36 months after those materials were adopted by the ~~State Board of Education~~ *state board*.

(b) Once a governing board certifies compliance with subdivision (a) with regard to standards-aligned instructional materials in the core curriculum areas of reading/language arts, mathematics, science, and history/social sciences, and if the governing board of a school district has met the eligibility requirements of Section 60119, the remaining funds may only be used consistent with subdivision (a) of Section 60242 and pursuant to Section 60242.5.

(c) ~~The State Board of Education~~ *state board* may grant the school district additional time to meet the purchasing requirements of subdivision (a) if the governing board of the school district

1 demonstrates, to the satisfaction of the state board, that all of the
2 following criteria apply to the district:

3 (1) The school district has implemented a well-designed,
4 standards-aligned basic instructional materials program.

5 (2) The school district, at the time of its request for additional
6 time pursuant to this subdivision, has sufficient textbooks or basic
7 instructional materials for use by each pupil.

8 (3) The school district has adopted a plan for the purchase of
9 standards-aligned instructional materials in accordance with
10 subdivision (a) ~~but that plan~~ indicated an alternative date for
11 compliance that is declared in the request for additional time.

12 (d) The funds provided for the purchase of instructional
13 materials in Schedules 1 and 2 of Item 6110-189-0001 and
14 paragraph 6 of Item 6110-485 of Section 2.00 of the Budget Act
15 of 2002 (*Chapter 379 of the Statutes of 2002*) shall be used for the
16 purposes of, and allocated consistent with, this chapter.